

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD KATZ,

Plaintiff,

v.

NATIONAL BOARD OF MEDICAL  
EXAMINERS, et al.,

Defendants.

CIVIL ACTION NO. 3:15-cv-01187

(MARIANI, J.)  
(SAPORITO, M.J.)

**FILED  
WILKES BARRE**

MAY 10 2016

ORDER

Per MS

AND NOW, this 10<sup>th</sup> day of May, 2016, in accordance with the  
accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The plaintiff's motions to compel and for a protective order (Doc. 74; Doc. 77; Doc. 80; Doc. 90) are **DENIED**;
2. The defendants' motion to compel and for a protective order (Doc. 79) is **GRANTED in part and DENIED in part**, as follows:
  - a. The plaintiff's objections to the defendants' proposed subpoenas are **OVERRULED**, subject to the following protective measures:
    - i. The defendants shall mark any records received from third-parties in response to the subpoenas at issue in

these motions as "CONFIDENTIAL";

ii. Documents marked "CONFIDENTIAL" in accordance with the preceding paragraph shall be used in this litigation only; and

iii. The Court shall retain jurisdiction to impose sanctions against the parties or their counsel in the event of noncompliance with this Order;

b. The plaintiff shall promptly sign the requested authorization forms and return them to defense counsel **within seven (7) days** of the date of this Order; and

c. The defendants' objections with respect to Katz's request for the production of confidential personal records of five current or former NBME employees are **SUSTAINED**;

3. Briefing with respect to the defendants' motion for summary judgment (Doc. 105) is **STAYED** for a period of **sixty (60) days** to permit service of the subpoenas duces tecum and response thereto by the third-party recipients, at the conclusion of which time the defendants shall file an amended brief in support of their motion, an amended statement of

facts, and any supplemental exhibits in support of the motion,<sup>6</sup> and the plaintiff shall file his response to the motion and supporting materials **within twenty-one (21) days** after service of the amended brief in support; and

4. The parties shall bear their own costs incurred in connection with these motions, as an award of expenses to the defendants would be unjust in light of the plaintiff's indigence. *See* Fed. R. Civ. P. 37(a)(5); *see also* Fed. R. Civ. P. 26(c)(3).



JOSEPH F. Saporito, Jr.  
United States Magistrate Judge

---

<sup>6</sup> Any exhibits previously filed with the original motion need not be re-filed.